

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                          |                           |  |  |  |
|--|--------------------------|---------------------------|--|--|--|
| Investigator:<br>Ethan Waterman                  | Team:<br>Squad #10       | CCRB Case #:<br>202006753 | <input checked="" type="checkbox"/> Force<br><input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> Discourt.<br><input type="checkbox"/> O.L. | <input type="checkbox"/> U.S.<br><input type="checkbox"/> Injury |
| Incident Date(s)<br>Saturday 09/19/2020 11:30 PM | 18 Mo. SOL<br>03-19-2022 | EO SOL<br>05-04-2022      | Location of Incident:<br>Avenue D and 48th Street                                      |  | Precinct:<br>67  |
| Date/Time CV Reported<br>Sun, 09/20/2020 1:23 AM | CV Reported At:<br>IAB   | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 10/08/2020 1:25 PM                                  |  |  |

| Complainant/Victim           | Type         | Home Address |
|------------------------------|--------------|--------------|
| 1. L [REDACTED] C [REDACTED] | Comp/Witness | [REDACTED]   |
| 2. C [REDACTED] C [REDACTED] | Victim       | [REDACTED]   |
| 3. S [REDACTED] W [REDACTED] | Victim       | Unknown      |
| 4. A [REDACTED] B [REDACTED] | Victim       | Unknown      |
| 5. D [REDACTED] T [REDACTED] | Victim       | [REDACTED]   |

| Subject Officer(s)               | Shield     | TaxID      | Command |
|----------------------------------|------------|------------|---------|
| 1. SGT D [REDACTED] G [REDACTED] | [REDACTED] | [REDACTED] | INT CIS |
| 2. PO JOSEPH BAUTISTA            | 02403      | 954534     | INT CIS |
| 3. PO T [REDACTED] T [REDACTED]  | [REDACTED] | [REDACTED] | INT CIS |
| 4. POM A [REDACTED] G [REDACTED] | [REDACTED] | [REDACTED] | INT CIS |
| 5. POM K [REDACTED] A [REDACTED] | [REDACTED] | [REDACTED] | INT CIS |
| 6. PO N [REDACTED] S [REDACTED]  | [REDACTED] | [REDACTED] | INT CIS |

| Officer(s)                        | Allegation  | Investigator Recommendation |
|-----------------------------------|---|-----------------------------|
| A . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] pointed his gun at D [REDACTED] A . Exonerated                          |                             |
| B . POM A [REDACTED] G [REDACTED] | Force: Police Officer A [REDACTED] G [REDACTED] pointed his gun at C [REDACTED] C [REDACTED] B . Exonerated             |                             |
| C . PO JOSEPH BAUTISTA            | Force: Police Officer Joseph Bautista pointed his gun at A [REDACTED] B [REDACTED] C . Exonerated                       |                             |
| D . PO JOSEPH BAUTISTA            | Force: Police Officer Joseph Bautista pointed his gun at S [REDACTED] W [REDACTED] D . Exonerated                       |                             |
| E . POM K [REDACTED] A [REDACTED] | Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at A [REDACTED] B [REDACTED] E . Exonerated             |                             |
| F . POM K [REDACTED] A [REDACTED] | Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at S [REDACTED] W [REDACTED] F . Exonerated             |                             |
| G . PO T [REDACTED] T [REDACTED]  | Discourtesy: Police Officer T [REDACTED] T [REDACTED] spoke discourteously to D [REDACTED] T [REDACTED] G . Exonerated  |                             |
| H . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] used physical force against D [REDACTED] T [REDACTED] H . Substantiated |                             |
| I . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] used a chokehold against I . Substantiated D [REDACTED] T [REDACTED]    |                             |
| J . PO N [REDACTED] S [REDACTED]  | Force: Police Officer N [REDACTED] S [REDACTED] used physical force against D [REDACTED] T [REDACTED] J . Exonerated    |                             |
| K . POM A [REDACTED] G [REDACTED] | Abuse of Authority: Police Officer A [REDACTED] G [REDACTED] frisked C [REDACTED] C [REDACTED] K . Exonerated           |                             |

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                          |                           |  |  |  |
|--|--------------------------|---------------------------|--|--|--|
| Investigator:<br>Ethan Waterman                  | Team:<br>Squad #10       | CCRB Case #:<br>202006753 | <input checked="" type="checkbox"/> Force<br><input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> Discourt.<br><input type="checkbox"/> O.L. | <input type="checkbox"/> U.S.<br><input type="checkbox"/> Injury |
| Incident Date(s)<br>Saturday 09/19/2020 11:30 PM | 18 Mo. SOL<br>03-19-2022 | EO SOL<br>05-04-2022      | Location of Incident:<br>Avenue D and 48th Street                                      |  | Precinct:<br>67  |
| Date/Time CV Reported<br>Sun, 09/20/2020 1:23 AM | CV Reported At:<br>IAB   | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 10/08/2020 1:25 PM                                  |  |  |

| Complainant/Victim           | Type         | Home Address |
|------------------------------|--------------|--------------|
| 1. L [REDACTED] C [REDACTED] | Comp/Witness | [REDACTED]   |
| 2. C [REDACTED] C [REDACTED] | Victim       | [REDACTED]   |
| 3. S [REDACTED] W [REDACTED] | Victim       | Unknown      |
| 4. A [REDACTED] B [REDACTED] | Victim       | Unknown      |
| 5. D [REDACTED] T [REDACTED] | Victim       | [REDACTED]   |

| Subject Officer(s)               | Shield     | TaxID      | Command    |
|----------------------------------|------------|------------|------------|
| 1. SGT David Grieco              | 03830      | 940216     | INT CIS    |
| 2. PO J [REDACTED] B [REDACTED]  | [REDACTED] | [REDACTED] | [REDACTED] |
| 3. PO T [REDACTED] T [REDACTED]  | [REDACTED] | [REDACTED] | [REDACTED] |
| 4. POM A [REDACTED] G [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 5. POM K [REDACTED] A [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 6. PO N [REDACTED] S [REDACTED]  | [REDACTED] | [REDACTED] | [REDACTED] |

| Officer(s)                        | Allegation  | Investigator Recommendation |
|-----------------------------------|---|-----------------------------|
| A . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] pointed his gun at D [REDACTED] A . Exonerated                          |                             |
| B . POM A [REDACTED] G [REDACTED] | Force: Police Officer A [REDACTED] G [REDACTED] pointed his gun at C [REDACTED] C [REDACTED] B . Exonerated             |                             |
| C . PO J [REDACTED] B [REDACTED]  | Force: Police Officer J [REDACTED] B [REDACTED] pointed his gun at A [REDACTED] B [REDACTED] C . Exonerated             |                             |
| D . PO J [REDACTED] B [REDACTED]  | Force: Police Officer J [REDACTED] B [REDACTED] pointed his gun at S [REDACTED] W [REDACTED] D . Exonerated             |                             |
| E . POM K [REDACTED] A [REDACTED] | Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at A [REDACTED] B [REDACTED] E . Exonerated             |                             |
| F . POM K [REDACTED] A [REDACTED] | Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at S [REDACTED] W [REDACTED] F . Exonerated             |                             |
| G . PO T [REDACTED] T [REDACTED]  | Discourtesy: Police Officer T [REDACTED] T [REDACTED] spoke discourteously to D [REDACTED] T [REDACTED] G . Exonerated  |                             |
| H . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] used physical force against D [REDACTED] T [REDACTED] H . Substantiated |                             |
| I . PO T [REDACTED] T [REDACTED]  | Force: Police Officer T [REDACTED] T [REDACTED] used a chokehold against I . Substantiated D [REDACTED] T [REDACTED]    |                             |
| J . PO N [REDACTED] S [REDACTED]  | Force: Police Officer N [REDACTED] S [REDACTED] used physical force against D [REDACTED] T [REDACTED] J . Exonerated    |                             |
| K . POM A [REDACTED] G [REDACTED] | Abuse of Authority: Police Officer A [REDACTED] G [REDACTED] frisked C [REDACTED] C [REDACTED] K . Exonerated           |                             |

| <b>Officer(s)</b>                 | <b>Allegation</b>  | <b>Investigator Recommendation</b> |
|-----------------------------------|--|------------------------------------|
| L . POM K [REDACTED] A [REDACTED] | Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] frisked S [REDACTED] W [REDACTED]   | L . Exonerated                     |
| M . POM K [REDACTED] A [REDACTED] | Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] searched S [REDACTED] W [REDACTED]  | M . Unsubstantiated                |
| N . PO JOSEPH BAUTISTA            | Abuse of Authority: Police Officer Joseph Bautista frisked A [REDACTED] B [REDACTED]   | N . Exonerated                     |
| O . PO JOSEPH BAUTISTA            | Abuse of Authority: Police Officer Joseph Bautista searched A [REDACTED] B [REDACTED]  | O . Unsubstantiated                |
| P . SGT D [REDACTED] G [REDACTED] | Abuse of Authority: Sergeant D [REDACTED] G [REDACTED] searched the vehicle in which A [REDACTED] B [REDACTED] C [REDACTED] C [REDACTED] D [REDACTED] T [REDACTED] and S [REDACTED] W [REDACTED] were occupants. | P . Unsubstantiated                |
| Q . SGT D [REDACTED] G [REDACTED] | Abuse of Authority: Sergeant D [REDACTED] G [REDACTED] searched C [REDACTED] C [REDACTED]  | Q . Unsubstantiated                |
| R . POM K [REDACTED] A [REDACTED] | Other Possible Misconduct Noted: Police Officer K [REDACTED] A [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.  | R . Other Possible Misconduct      |

| <b>Officer(s)</b>                 | <b>Allegation</b>   | <b>Investigator Recommendation</b> |
|-----------------------------------|---|------------------------------------|
| L . POM K [REDACTED] A [REDACTED] | Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] frisked S [REDACTED] W [REDACTED]  | L . Exonerated                     |
| M . POM K [REDACTED] A [REDACTED] | Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] searched S [REDACTED] W [REDACTED]   | M . Unsubstantiated                |
| N . PO J [REDACTED] B [REDACTED]  | Abuse of Authority: Police Officer J [REDACTED] B [REDACTED] frisked A [REDACTED] B [REDACTED]  | N . Exonerated                     |
| O . PO J [REDACTED] B [REDACTED]  | Abuse of Authority: Police Officer J [REDACTED] B [REDACTED] searched A [REDACTED] B [REDACTED]   | O . Unsubstantiated                |
| P . SGT David Grieco              | Abuse of Authority: Sergeant David Grieco searched the vehicle in which A [REDACTED] B [REDACTED] C [REDACTED] C [REDACTED] D [REDACTED] T [REDACTED] and S [REDACTED] W [REDACTED] were occupants. | P . Unsubstantiated                |
| Q . SGT David Grieco              | Abuse of Authority: Sergeant David Grieco searched C [REDACTED] C [REDACTED]  | Q . Unsubstantiated                |
| R . POM K [REDACTED] A [REDACTED] | Other Possible Misconduct Noted: Police Officer K [REDACTED] A [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.   | R . Other Possible Misconduct      |

### Case Summary

On September 20, 2020, L [REDACTED] C [REDACTED] called the Internal Affairs Bureau and filed this complaint as a witness. The CCRB received this complaint on October 8, 2020.

On September 19, 2020, at approximately 11:30 p.m., D [REDACTED] T [REDACTED] drove Mr. C [REDACTED]'s Dodge Grand Caravan in the vicinity of Avenue D and East 48<sup>th</sup> Street in Brooklyn. Q [REDACTED] C [REDACTED] sat in the front seat, whereas A [REDACTED] B [REDACTED] and S [REDACTED] W [REDACTED] sat in the backseat. Officers from the Criminal Intelligence Section attempted to pull over the minivan, but Mr. T [REDACTED] sped away from them. After stopping the vehicle, Police Officer T [REDACTED] T [REDACTED] pointed his gun at Mr. T [REDACTED] (**Allegation A, Force: Gun Pointed, Exonerated**). Police Officer A [REDACTED] G [REDACTED] pointed his gun at Ms. C [REDACTED] (**Allegation B, Force: Gun Pointed, Exonerated**). Both Police Officers Joseph Bautista and K [REDACTED] A [REDACTED] pointed their guns at Ms. B [REDACTED] and Mr. W [REDACTED] (**Allegations C, D, E, and F, Force: Gun Pointed, Exonerated**). While attempting to remove Mr. T [REDACTED] from the car, PO T [REDACTED] told Mr. T [REDACTED] to "Get on the fucking ground," said "I don't give a fuck who you are," and "Get the fuck out" (**Allegation G, Discourtesy: Word, Exonerated**). PO T [REDACTED] pulled Mr. T [REDACTED]'s arms and torso to try to pull him out of the driver's window and grabbed the front of Mr. T [REDACTED]'s neck (**Allegation H, Force: Physical Force, Substantiated**) (**Allegation I, Force: Chokehold, Substantiated**). Police Officer N [REDACTED] S [REDACTED] pulled Mr. T [REDACTED] out of the vehicle via the passenger side door by grabbing his arm and hoodie (**Allegation J, Force: Physical Force, Exonerated**). PO G [REDACTED] frisked Ms. C [REDACTED] (**Allegation K, Abuse of Authority: Frisk, Exonerated**). PO A [REDACTED] frisked and searched Mr. W [REDACTED] (**Allegation L, Abuse of Authority: Frisk, Exonerated**) (**Allegation M, Abuse of Authority: Search (of person), Unsubstantiated**). PO Bautista frisked and searched Ms. B [REDACTED] (**Allegation N, Abuse of Authority: Frisk, Exonerated**) (**Allegation O, Abuse of Authority: Search (of person), Unsubstantiated**). Sergeant D [REDACTED] G [REDACTED] removed Ms. C [REDACTED]'s coat and bag from the minivan and then searched the items (**Allegation P, Abuse of Authority: Vehicle Search, Unsubstantiated**) (**Allegation Q, Abuse of Authority: Search (of person), Unsubstantiated**).

PO A [REDACTED] did not activate his body-worn camera (BWC) for several minutes while he responded to this incident (**Allegation R, Other Possible Misconduct Noted: Improper Use of Body-Worn Camera**).

Mr. T [REDACTED] was arrested on a charge of reckless endangerment in the first degree, possession of a forged instrument in the second degree, possession of a forged instrument in the third degree, and reckless driving (**BR 01**). Office of Court Administration has no record of any criminal proceedings resultant of the arrest (**BR 02**). No other arrests or summonses resulted from this incident.

The investigation received body-worn camera footage regarding this incident, the relevant aspects of which shall be discussed in further detail below (**BR 03-17**).

### Findings and Recommendations

**Allegation (A) Force: Police Officer T [REDACTED] T [REDACTED] pointed his gun at D [REDACTED] T [REDACTED].**  
**Allegation (B) Force: Police Officer A [REDACTED] G [REDACTED] pointed his gun at C [REDACTED] C [REDACTED].**  
**Allegation (C) Force: Police Officer Joseph Bautista pointed his gun at A [REDACTED] B [REDACTED].**  
**Allegation (D) Force: Police Officer Joseph Bautista pointed his gun at S [REDACTED] W [REDACTED].**  
**Allegation (E) Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at A [REDACTED] B [REDACTED].**  
**Allegation (F) Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at S [REDACTED] W [REDACTED].**

In her CCRB interview (**BR 18**), Ms. C [REDACTED] told the investigation that she was originally seated in the passenger seat of Mr. C [REDACTED]'s car. Her cousins, Ms. B [REDACTED] and Mr. W [REDACTED] sat in the back seat of the car. Mr. T [REDACTED] jumped into the driver's seat and began to drive the car. Ms. C [REDACTED] immediately told Mr. T [REDACTED] "Yo, get out the car, what you doing? This is my brother's car!" Mr. T [REDACTED] did not respond and continued driving, driving far above the speed limit, running red lights, and driving in a generally reckless way. Ms. C [REDACTED] told Mr. T [REDACTED] that this was Mr. C [REDACTED]'s car and that he had run red lights. For approximately two to three minutes, Mr. T [REDACTED]

### Case Summary

On September 20, 2020, L [REDACTED] C [REDACTED] called the Internal Affairs Bureau and filed this complaint as a witness. The CCRB received this complaint on October 8, 2020.

On September 19, 2020, at approximately 11:30 p.m., D [REDACTED] T [REDACTED] drove Mr. C [REDACTED] Dodge Grand Caravan in the vicinity of Avenue D and East 48<sup>th</sup> Street in Brooklyn. Q [REDACTED] C [REDACTED] sat in the front seat, whereas A [REDACTED] B [REDACTED] and S [REDACTED] W [REDACTED] sat in the backseat. Officers from the Criminal Intelligence Section attempted to pull over the minivan, but Mr. T [REDACTED] sped away from them. After stopping the vehicle, Police Officer T [REDACTED] T [REDACTED] pointed his gun at Mr. T [REDACTED] (**Allegation A, Force: Gun Pointed, Exonerated**). Police Officer A [REDACTED] G [REDACTED] pointed his gun at Ms. C [REDACTED] (**Allegation B, Force: Gun Pointed, Exonerated**). Both Police Officers J [REDACTED] B [REDACTED] and K [REDACTED] A [REDACTED] pointed their guns at Ms. B [REDACTED] and Mr. W [REDACTED] (**Allegations C, D, E, and F, Force: Gun Pointed, Exonerated**). While attempting to remove Mr. T [REDACTED] from the car, PO T [REDACTED] told Mr. T [REDACTED] to “Get on the fucking ground,” said “I don’t give a fuck who you are,” and “Get the fuck out” (**Allegation G, Discourtesy: Word, Exonerated**). PO T [REDACTED] pulled Mr. T [REDACTED] arms and torso to try to pull him out of the driver’s window and grabbed the front of Mr. T [REDACTED] neck (**Allegation H, Force: Physical Force, Substantiated**) (**Allegation I, Force: Chokehold, Substantiated**). Police Officer N [REDACTED] S [REDACTED] pulled Mr. T [REDACTED] out of the vehicle via the passenger side door by grabbing his arm and hoodie (**Allegation J, Force: Physical Force, Exonerated**). PO G [REDACTED] frisked Ms. C [REDACTED] (**Allegation K, Abuse of Authority: Frisk, Exonerated**). PO A [REDACTED] frisked and searched Mr. W [REDACTED] (**Allegation L, Abuse of Authority: Frisk, Exonerated**) (**Allegation M, Abuse of Authority: Search (of person), Unsubstantiated**). PO B [REDACTED] frisked and searched Ms. B [REDACTED] (**Allegation N, Abuse of Authority: Frisk, Exonerated**) (**Allegation O, Abuse of Authority: Search (of person), Unsubstantiated**). Sergeant David Grieco removed Ms. C [REDACTED] coat and bag from the minivan and then searched the items (**Allegation P, Abuse of Authority: Vehicle Search, Unsubstantiated**) (**Allegation Q, Abuse of Authority: Search (of person), Unsubstantiated**).

PO A [REDACTED] did not activate his body-worn camera (BWC) for several minutes while he responded to this incident (**Allegation R, Other Possible Misconduct Noted: Improper Use of Body-Worn Camera**).

Mr. T [REDACTED] was arrested on a charge of reckless endangerment in the first degree, possession of a forged instrument in the second degree, possession of a forged instrument in the third degree, and reckless driving (**BR 01**). Office of Court Administration has no record of any criminal proceedings resultant of the arrest (**BR 02**). No other arrests or summonses resulted from this incident.

The investigation received body-worn camera footage regarding this incident, the relevant aspects of which shall be discussed in further detail below (**BR 03-17**).

### Findings and Recommendations

**Allegation (A) Force: Police Officer T [REDACTED] T [REDACTED] pointed his gun at D [REDACTED] T [REDACTED].**  
**Allegation (B) Force: Police Officer A [REDACTED] G [REDACTED] pointed his gun at C [REDACTED] C [REDACTED].**  
**Allegation (C) Force: Police Officer J [REDACTED] B [REDACTED] pointed his gun at A [REDACTED] B [REDACTED].**  
**Allegation (D) Force: Police Officer J [REDACTED] B [REDACTED] pointed his gun at S [REDACTED] W [REDACTED].**  
**Allegation (E) Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at A [REDACTED] B [REDACTED].**  
**Allegation (F) Force: Police Officer K [REDACTED] A [REDACTED] pointed his gun at S [REDACTED] W [REDACTED].**

In her CCRB interview (**BR 18**), Ms. C [REDACTED] told the investigation that she was originally seated in the passenger seat of Mr. C [REDACTED] car. Her cousins, Ms. B [REDACTED] and Mr. W [REDACTED] sat in the back seat of the car. Mr. T [REDACTED] jumped into the driver’s seat and began to drive the car. Ms. C [REDACTED] immediately told Mr. T [REDACTED] “Yo, get out the car, what you doing? This is my brother’s car!” Mr. T [REDACTED] did not respond and continued driving, driving far above the speed limit, running red lights, and driving in a generally reckless way. Ms. C [REDACTED] told Mr. T [REDACTED] that this was Mr. C [REDACTED] car and that he had run red lights. For approximately two to three minutes, Mr. T [REDACTED]

drove in this manner before police officers began to pursue in their vehicles and flash their lights. Ms. C [REDACTED] directed Mr. T [REDACTED] to pull over but he did not respond. Officers followed the vehicle for approximately five minutes and at no point did Mr. T [REDACTED] slow down or stop for the officers. Eventually officers blocked the road and Mr. T [REDACTED] stopped the vehicle. Ms. C [REDACTED] approximated that two dozen officers approached the vehicle with their guns pointed.

In his intake statement provided to IAB (**BR 19**), Mr. C [REDACTED] said that the officers who pulled the car over ordered its occupants out at gunpoint.

The investigation was unable to contact Ms. B [REDACTED] Mr. C [REDACTED] Mr. T [REDACTED] and Mr. W [REDACTED]

Per his BWC (**BR 03**), PO T [REDACTED] points his gun at Mr. T [REDACTED] between the 02:05 and 02:10 timestamps.

In his CCRB interview (**BR 20**), PO T [REDACTED] told the investigation that he pointed his gun at Mr. T [REDACTED] because the area was a high-crime area, because the Mr. T [REDACTED] had fled the scene in a car, and because the Mr. T [REDACTED] had put many people in danger because of his driving.

Per his BWC (**BR 04**), PO G [REDACTED] points his gun at Ms. C [REDACTED] between 00:15 and 00:18 timestamps.

In his CCRB interview (**BR 21**), PO G [REDACTED] told the investigation that he pointed his gun because he saw someone in the minivan's backseat reach down towards the floor of the interior of the minivan in the middle of the first row of rear seating. PO G [REDACTED] said that given that it was a felony car stop, that the individual in the backseat was reaching towards the ground, that PO G [REDACTED] did not know what was in his vehicle, and for his own safety, PO G [REDACTED] drew and pointed his gun.

Per PO Bautista's BWC (**BR 07**), PO Bautista points his gun towards the rear passenger-side seat (where Ms. B [REDACTED] and Mr. W [REDACTED] sit) between the 00:22 and 00:35 timestamps.

In his CCRB interview (**BR 22**), PO Bautista told the investigation that as the minivan approached the next intersection, which was East 48<sup>th</sup> Street and Beverly Road, Sgt. G [REDACTED] pulled abreast of the minivan on the driver's side in an attempt to drive in front of and cut off the minivan. This was tactically advantageous because it would prevent the minivan from further fleeing. As Sgt. G [REDACTED] drove abreast of the minivan, PO Bautista rolled down his window. Mr. T [REDACTED] window was pulled down as well. PO Bautista told Mr. T [REDACTED] "Please stop!" and motioned his hands downward. Mr. T [REDACTED]' eyes widened in response. Mr. T [REDACTED] immediately turned right onto Beverly Road at the intersection and fled the officers. After stopping the minivan, PO Bautista exited his vehicle with his gun drawn and approached the minivan on the passenger side. Upon first approach, all the doors of the minivan were closed. PO Bautista said that he had his gun drawn because he was under the impression that the occupants had thrown drugs out the window. An additional factor included Mr. T [REDACTED]' reaction when PO Bautista directed him to stop – PO Bautista believed that Mr. T [REDACTED] was trying to hide something (contraband or weapons) given the widened eyes and flight from police officers. Finally, PO Bautista did not know how many occupants there were inside the minivan. Once the back sliding door on the passenger side of the minivan opened and PO Bautista was able to see the occupants, he holstered his weapon.

Per PO Bautista's BWC (**BR 07**), PO A [REDACTED] momentarily points his gun towards the rear passenger-side seat (where Ms. B [REDACTED] and Mr. W [REDACTED] sit) at the 00:26 timestamp.

In his CCRB interview (**BR 23**), PO A [REDACTED] said that he did not recall if he pointed his gun at anyone during this incident.

Per Patrol Guide Procedure 221-01 (**BR 24**), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators;

drove in this manner before police officers began to pursue in their vehicles and flash their lights. Ms. C [REDACTED] directed Mr. T [REDACTED] to pull over but he did not respond. Officers followed the vehicle for approximately five minutes and at no point did Mr. T [REDACTED] slow down or stop for the officers. Eventually officers blocked the road and Mr. T [REDACTED] stopped the vehicle. Ms. C [REDACTED] approximated that two dozen officers approached the vehicle with their guns pointed.

In his intake statement provided to IAB (**BR 19**), Mr. C [REDACTED] said that the officers who pulled the car over ordered its occupants out at gunpoint.

The investigation was unable to contact Ms. B [REDACTED] Mr. C [REDACTED] Mr. T [REDACTED] and Mr. W [REDACTED]

Per his BWC (**BR 03**), PO T [REDACTED] points his gun at Mr. T [REDACTED] between the 02:05 and 02:10 timestamps.

In his CCRB interview (**BR 20**), PO T [REDACTED] told the investigation that he pointed his gun at Mr. T [REDACTED] because the area was a high-crime area, because the Mr. T [REDACTED] had fled the scene in a car, and because the Mr. T [REDACTED] had put many people in danger because of his driving.

Per his BWC (**BR 04**), PO G [REDACTED] points his gun at Ms. C [REDACTED] between 00:15 and 00:18 timestamps.

In his CCRB interview (**BR 21**), PO G [REDACTED] told the investigation that he pointed his gun because he saw someone in the minivan's backseat reach down towards the floor of the interior of the minivan in the middle of the first row of rear seating. PO G [REDACTED] said that given that it was a felony car stop, that the individual in the backseat was reaching towards the ground, that PO G [REDACTED] did not know what was in his vehicle, and for his own safety, PO G [REDACTED] drew and pointed his gun.

Per PO B [REDACTED] BWC (**BR 07**), PO B [REDACTED] points his gun towards the rear passenger-side seat (where Ms. B [REDACTED] and Mr. W [REDACTED] sit) between the 00:22 and 00:35 timestamps.

In his CCRB interview (**BR 22**), PO B [REDACTED] told the investigation that as the minivan approached the next intersection, which was East 48<sup>th</sup> Street and Beverly Road, Sgt. Grieco pulled abreast of the minivan on the driver's side in an attempt to drive in front of and cut off the minivan. This was tactically advantageous because it would prevent the minivan from further fleeing. As Sgt. Grieco drove abreast of the minivan, PO B [REDACTED] rolled down his window. Mr. T [REDACTED] window was pulled down as well. PO B [REDACTED] told Mr. T [REDACTED] "Please stop!" and motioned his hands downward. Mr. T [REDACTED] eyes widened in response. Mr. T [REDACTED] immediately turned right onto Beverly Road at the intersection and fled the officers. After stopping the minivan, PO B [REDACTED] exited his vehicle with his gun drawn and approached the minivan on the passenger side. Upon first approach, all the doors of the minivan were closed. PO B [REDACTED] said that he had his gun drawn because he was under the impression that the occupants had thrown drugs out the window. An additional factor included Mr. T [REDACTED] reaction when PO B [REDACTED] directed him to stop – PO B [REDACTED] believed that Mr. T [REDACTED] was trying to hide something (contraband or weapons) given the widened eyes and flight from police officers. Finally, PO B [REDACTED] did not know how many occupants there were inside the minivan. Once the back sliding door on the passenger side of the minivan opened and PO B [REDACTED] was able to see the occupants, he holstered his weapon.

Per PO B [REDACTED] BWC (**BR 07**), PO A [REDACTED] momentarily points his gun towards the rear passenger-side seat (where Ms. B [REDACTED] and Mr. W [REDACTED] sit) at the 00:26 timestamp.

In his CCRB interview (**BR 23**), PO A [REDACTED] said that he did not recall if he pointed his gun at anyone during this incident.

Per Patrol Guide Procedure 221-01 (**BR 24**), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators;

subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Per Patrol Guide Procedure 221-01, “the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present.”

PO T█ PO G█ PO Bautista, and PO A█ provided articulable beliefs (supported by BWC and the civilian statements) that the potential for serious physical injury was present – Mr. T█ had fled the scene at the high rate of speed for multiple minutes, Mr. T█ ignored multiple directions to stop, the officers saw contraband thrown out the window of a car fleeing from police officers, the officers did not know how many people were in the car, and the officers could not see the hands of the car’s occupants. As such, it is recommended that **Allegations A, B, C, D, E, and F be exonerated.**

**Allegation (G) Discourtesy: Police Officer T█ T█ spoke discourteously to D█ T█**

This allegation stems from PO T█’s BWC (**BR 03**). Between the 02:02 and the 02:17 timestamps, PO T█ approaches Mr. T█ who sits in the driver’s seat. PO T█ tells Mr. T█ “Get on the fucking ground!” three times, to which Mr. T█ replies, “It’s me! It’s me!” PO T█ says, “I don’t give a fuck who you are.” PO T█ then grabs Mr. T█ by the arms (see **Allegation H**) and says, “Get the fuck out.”

In his CCRB interview (**BR 20**), PO T█ at first did not recall if he used profanity while commanding Mr. T█ while approaching the car. PO T█ then said he used profanity during this incident because it was a high-tension situation in which the subject refused to comply with PO T█’s orders, there were a lot of people in the car, and PO T█ feared for his own safety. PO T█’s emotions were high.

Per Patrol Guide Procedure 200-02 (**BR 25**), the values of the NYPD include the pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility.”

Per DAO-DCT Disciplinary Case No. 2013-10143 (**BR 26**), “profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation.”

PO T█ used profanity in the context of giving orders in a highly stressful situation. PO T█ confronted the operator of a minivan who had fled police custody for multiple minutes and harbored an unknown number of occupants and potential contraband. This is permissible. It is recommended that **Allegation G be exonerated.**

**Allegation (H) Force: Police Officer T█ T█ used physical force against D█ T█**

**Allegation (I) Force: Police Officer T█ T█ used a chokehold against D█ T█**

This allegation stems from PO T█’s BWC (**BR 03**). At the 02:17 timestamp, PO T█ pulls Mr. T█ by his arms towards the exterior of the car. In response, Mr. T█ pulls his arms out of the grasp of PO T█. Through the 02:28 timestamp, PO T█ and Mr. T█ struggle with one another before PO T█ backs away.

As shown in PO V█’s BWC (**BR 05**), PO T█ holds onto both of Mr. T█’s arms by the 01:06 timestamp. At this point, there are three police vehicles on-scene and several officers standing on the passenger side of the minivan. Between the 01:09 and 01:13 timestamps, PO T█ grabs Mr. T█ by the back of the head and Mr. T█ moves his head away in response. PO Valcourt tells Mr. T█ to get out of the car, and Mr. T█ replies, “How do you expect me to get out the car from here?” PO T█ puts his right palm on Mr. T█’s left cheek and eye area. It appears that one of PO T█’s fingers hits Mr. T█’s left eye. At the 01:12 timestamp, PO T█ grabs the front of Mr. T█’s neck with his left hand. PO T█ extends his left arm toward Mr. T█ and Mr. T█’s neck and head recoil back. After this

subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Per Patrol Guide Procedure 221-01, “the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present.”

PO T [REDACTED] PO G [REDACTED] PO B [REDACTED] and PO A [REDACTED] provided articulable beliefs (supported by BWC and the civilian statements) that the potential for serious physical injury was present – Mr. T [REDACTED] had fled the scene at the high rate of speed for multiple minutes, Mr. T [REDACTED] ignored multiple directions to stop, the officers saw contraband thrown out the window of a car fleeing from police officers, the officers did not know how many people were in the car, and the officers could not see the hands of the car’s occupants. As such, it is recommended that **Allegations A, B, C, D, E, and F be exonerated.**

**Allegation (G) Discourtesy: Police Officer T [REDACTED] T [REDACTED] spoke discourteously to D [REDACTED] T [REDACTED]**

This allegation stems from PO T [REDACTED] BWC (**BR 03**). Between the 02:02 and the 02:17 timestamps, PO T [REDACTED] approaches Mr. T [REDACTED] who sits in the driver’s seat. PO T [REDACTED] tells Mr. T [REDACTED] “Get on the fucking ground!” three times, to which Mr. T [REDACTED] replies, “It’s me! It’s me!” PO T [REDACTED] says, “I don’t give a fuck who you are.” PO T [REDACTED] then grabs Mr. T [REDACTED] by the arms (see **Allegation H**) and says, “Get the fuck out.”

In his CCRB interview (**BR 20**), PO T [REDACTED] at first did not recall if he used profanity while commanding Mr. T [REDACTED] while approaching the car. PO T [REDACTED] then said he used profanity during this incident because it was a high-tension situation in which the subject refused to comply with PO T [REDACTED] orders, there were a lot of people in the car, and PO T [REDACTED] feared for his own safety. PO T [REDACTED] emotions were high.

Per Patrol Guide Procedure 200-02 (**BR 25**), the values of the NYPD include the pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility.”

Per DAO-DCT Disciplinary Case No. 2013-10143 (**BR 26**), “profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation.”

PO T [REDACTED] used profanity in the context of giving orders in a highly stressful situation. PO T [REDACTED] confronted the operator of a minivan who had fled police custody for multiple minutes and harbored an unknown number of occupants and potential contraband. This is permissible. It is recommended that **Allegation G be exonerated.**

**Allegation (H) Force: Police Officer T [REDACTED] T [REDACTED] used physical force against D [REDACTED] T [REDACTED]**

**Allegation (I) Force: Police Officer T [REDACTED] T [REDACTED] used a chokehold against D [REDACTED] T [REDACTED]**

This allegation stems from PO T [REDACTED] BWC (**BR 03**). At the 02:17 timestamp, PO T [REDACTED] pulls Mr. T [REDACTED] by his arms towards the exterior of the car. In response, Mr. T [REDACTED] pulls his arms out of the grasp of PO T [REDACTED]. Through the 02:28 timestamp, PO T [REDACTED] and Mr. T [REDACTED] struggle with one another before PO T [REDACTED] backs away.

As shown in PO V [REDACTED] BWC (**BR 05**), PO T [REDACTED] holds onto both of Mr. T [REDACTED] arms by the 01:06 timestamp. At this point, there are three police vehicles on-scene and several officers standing on the passenger side of the minivan. Between the 01:09 and 01:13 timestamps, PO T [REDACTED] grabs Mr. T [REDACTED] by the back of the head and Mr. T [REDACTED] moves his head away in response. PO V [REDACTED] tells Mr. T [REDACTED] to get out of the car, and Mr. T [REDACTED] replies, “How do you expect me to get out the car from here?” PO T [REDACTED] puts his right palm on Mr. T [REDACTED] left cheek and eye area. It appears that one of PO T [REDACTED] fingers hits Mr. T [REDACTED] left eye. At the 01:12 timestamp, PO T [REDACTED] grabs the front of Mr. T [REDACTED] neck with his left hand. PO T [REDACTED] extends his left arm toward Mr. T [REDACTED] and Mr. T [REDACTED] neck and head recoil back. After this

point, PO Valcourt's BWC is obscured briefly while PO T█ disengages with Mr. T█. At 01:15, PO T█ yells, "Step out!" and Mr. T█ replies, "I'm trying to get out!" Immediately after PO T█ disengages with Mr. T█, PO S█ successfully pulls Mr. T█ out of the minivan (see **Allegation I**).

Furthermore, as shown in PO Valcourt's BWC (**BR 05**) between the 01:02 and 01:12 timestamps, on the right side of the screen, an officer attempts to exit a police car on the passenger side. The police vehicle is stopped next to the minivan – after seeing that the cars are parked too close together, the officer climbs across his car's center console and exits his car on the driver's side.

In his CCRB interview (**BR 20**), PO T█ approached the car with his gun out and pointed at the driver. The driver, known to the investigation as D█, T█ was yelling. PO T█ ordered Mr. T█, "Put your hands up" and "Don't move." PO T█ did not recall if he used any profanity with these commands. Once Mr. T█ put his hands up, PO T█ holstered his firearm. Mr. T█ was yelling, "You know me! It's me! It's me!" PO T█ described Mr. T█ as "disoriented." PO T█ told Mr. T█ multiple times to get out of the vehicle. Mr. T█ refused to open the driver's door and PO T█ discovered that the door was locked. PO T█ said that there was sufficient space outside of the minivan for the driver's door to be opened. At this point, PO T█ considered the situation hostile, factoring in Mr. T█'s noncompliance, the existence of multiple people in the backseat, the consideration that there might be weapons in the minivan, and the consideration that the area was a violent location. PO T█ tried to pull Mr. T█ out through the driver's window by grabbing Mr. T█'s arms and upper torso, but Mr. T█ refused to comply by keeping his hands up and moving his body around. Mr. T█ continued to say, "You know me, you know who I am." When PO T█ grabbed Mr. T█, Mr. T█ put his hands down and started to grapple with PO T█. PO T█ continued to grab at Mr. T█'s arms and body while he grappled with Mr. T█. PO T█ at first said he never made physical contact with Mr. T█'s neck during this grappling. PO T█ never restricted Mr. T█'s breathing during this grappling. After reviewing PO Valcourt's BWC, PO T█ noted that, while he was grappling with Mr. T█, Mr. T█ was moving his body around. PO T█'s intention was to grab Mr. T█'s body to pull him out of the vehicle. PO T█ acknowledged that physical contact was made with Mr. T█'s neck, but no pressure was applied. PO T█ said that the contact with the neck was incidental and took place over less than one second.

In his CCRB interview (**BR 41**), Sgt. G█ noted that it was impossible to remove Mr. T█ from the car on the driver's side and that he had to be removed on the passenger's side.

Sgt. G█ prepared a TRI regarding this incident (**BR 42**). Sgt. G█ wrote that PO T█ used a "hand strike" against Mr. T█ and listed the type of incident as follows: "active resistance towards MOS, Force Against MOS, MOS Recklessly Endangered." Sgt. G█ listed that Mr. T█ used force including "active resistance" and "pushing/shoving." Sgt. G█ listed the reason for force as "overcome resistance or aggression, defense of self, fleeing suspect, defense of other MOS." The TRI's detailed narrative was a word-for-word repetition of the detailed narrative in Mr. T█'s arrest paperwork and did not address the force used.

Per Patrol Guide Procedure 221-01 (**BR 24**), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The investigation acknowledges that it was necessary to remove Mr. T█ from the minivan. However, the BWC showed that it was functionally impossible for Mr. T█ to exit the

point, PO V [REDACTED] BWC is obscured briefly while PO T [REDACTED] disengages with Mr. T [REDACTED]. At 01:15, PO T [REDACTED] yells, "Step out!" and Mr. T [REDACTED] replies, "I'm trying to get out!" Immediately after PO T [REDACTED] disengages with Mr. T [REDACTED], PO S [REDACTED] successfully pulls Mr. T [REDACTED] out of the minivan (see **Allegation I**).

Furthermore, as shown in PO V [REDACTED] BWC (**BR 05**) between the 01:02 and 01:12 timestamps, on the right side of the screen, an officer attempts to exit a police car on the passenger side. The police vehicle is stopped next to the minivan – after seeing that the cars are parked too close together, the officer climbs across his car's center console and exits his car on the driver's side.

In his CCRB interview (**BR 20**), PO T [REDACTED] approached the car with his gun out and pointed at the driver. The driver, known to the investigation as D [REDACTED] T [REDACTED] was yelling. PO T [REDACTED] ordered Mr. T [REDACTED] "Put your hands up" and "Don't move." PO T [REDACTED] did not recall if he used any profanity with these commands. Once Mr. T [REDACTED] put his hands up, PO T [REDACTED] holstered his firearm. Mr. T [REDACTED] was yelling, "You know me! It's me! It's me!" PO T [REDACTED] described Mr. T [REDACTED] as "disoriented." PO T [REDACTED] told Mr. T [REDACTED] multiple times to get out of the vehicle. Mr. T [REDACTED] refused to open the driver's door and PO T [REDACTED] discovered that the door was locked. PO T [REDACTED] said that there was sufficient space outside of the minivan for the driver's door to be opened. At this point, PO T [REDACTED] considered the situation hostile, factoring in Mr. T [REDACTED] noncompliance, the existence of multiple people in the backseat, the consideration that there might be weapons in the minivan, and the consideration that the area was a violent location. PO T [REDACTED] tried to pull Mr. T [REDACTED] out through the driver's window by grabbing Mr. T [REDACTED] arms and upper torso, but Mr. T [REDACTED] refused to comply by keeping his hands up and moving his body around. Mr. T [REDACTED] continued to say, "You know me, you know who I am." When PO T [REDACTED] grabbed Mr. T [REDACTED] Mr. T [REDACTED] put his hands down and started to grapple with PO T [REDACTED]. PO T [REDACTED] continued to grab at Mr. T [REDACTED] arms and body while he grappled with Mr. T [REDACTED]. PO T [REDACTED] at first said he never made physical contact with Mr. T [REDACTED] neck during this grappling. PO T [REDACTED] never restricted Mr. T [REDACTED] breathing during this grappling. After reviewing PO V [REDACTED] BWC, PO T [REDACTED] noted that, while he was grappling with Mr. T [REDACTED], Mr. T [REDACTED] was moving his body around. PO T [REDACTED] intention was to grab Mr. T [REDACTED] body to pull him out of the vehicle. PO T [REDACTED] acknowledged that physical contact was made with Mr. T [REDACTED] neck, but no pressure was applied. PO T [REDACTED] said that the contact with the neck was incidental and took place over less than one second.

In his CCRB interview (**BR 41**), Sgt. Grieco noted that it was impossible to remove Mr. T [REDACTED] from the car on the driver's side and that he had to be removed on the passenger's side.

Sgt. Grieco prepared a TRI regarding this incident (**BR 42**). Sgt. Grieco wrote that PO T [REDACTED] used a "hand strike" against Mr. T [REDACTED] and listed the type of incident as follows: "active resistance towards MOS, Force Against MOS, MOS Recklessly Endangered." Sgt. Grieco listed that Mr. T [REDACTED] used force including "active resistance" and "pushing/shoving." Sgt. Grieco listed the reason for force as "overcome resistance or aggression, defense of self, fleeing suspect, defense of other MOS." The TRI's detailed narrative was a word-for-word repetition of the detailed narrative in Mr. T [REDACTED] arrest paperwork and did not address the force used.

Per Patrol Guide Procedure 221-01 (**BR 24**), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The investigation acknowledges that it was necessary to remove Mr. T [REDACTED] from the minivan. However, the BWC showed that it was functionally impossible for Mr. T [REDACTED] to exit the

minivan on the driver's side given that there was not enough space to open the door. Mr. T [REDACTED] could also not exit via the passenger door due to PO T [REDACTED] holding him. While PO T [REDACTED] said Mr. T [REDACTED] resisted being pulled out the driver's window by moving his body around, BWC did not support this characterization. Rather, it showed that PO T [REDACTED] initiated a grappling sequence in which he initially grabbed the back of Mr. T [REDACTED] head and neck before grabbing Mr. T [REDACTED] eye sockets and briefly gripping Mr. T [REDACTED] neck. Mr. T [REDACTED] reacted to PO T [REDACTED] grabbing at his head, neck, and eyes by pulling his arms towards himself. The BWC also showed that while this force was used, Mr. T [REDACTED] was calm, did not actively resist, and said he would cooperate with PO T [REDACTED] instructions to exit the vehicle, but was physically unable to do so. Furthermore, instead of instructing Mr. T [REDACTED] to exit from the passenger side, which would have been more expeditious, expecting Mr. T [REDACTED] to lay limp while being forcefully pulled out of the car window was an unreasonable instruction that could have resulted in Mr. T [REDACTED] sustaining serious injuries.

Given these factors, the investigation determined PO T [REDACTED]'s force against Mr. T [REDACTED] was unreasonable. It is therefore recommended that **Allegation H** be **substantiated**.

Per Patrol Guide Procedure 221-01 (BR 24), a chokehold is defined as "any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow." Per Patrol Guide Procedure 221-01, officers "shall not use a chokehold."

The BWC showed PO T [REDACTED] deliberately grabbed the front Mr. T [REDACTED] neck. Given that Mr. T [REDACTED] neck and head moved backwards after PO T [REDACTED] extended his left hand and arm toward Mr. T [REDACTED] the investigation determined with a preponderance of the evidence that PO T [REDACTED] applied pressure to Mr. T [REDACTED] throat. Thus, the investigation determined that PO T [REDACTED] used a chokehold against Mr. T [REDACTED] which is prohibited conduct. It is therefore recommended that **Allegation I** be **substantiated**.

**Allegation (J) Force: Police Officer N [REDACTED] S [REDACTED] used physical force against D [REDACTED] T [REDACTED]**

This allegation stems from PO S [REDACTED]'s BWC (**BR 09**). Between the 00:37 and 00:47 timestamps (subsequent to the timeframe described in **Allegations H and I**), PO S [REDACTED] pulls Mr. T [REDACTED] out of the vehicle through the open passenger door by grabbing Mr. T [REDACTED] right arm and hoodie.

In his CCRB interview (**BR 27**), PO S [REDACTED] said that he pulled Mr. T [REDACTED] out because he needed to be removed from the vehicle.

Per Patrol Guide Procedure 221-01 (BR 24), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The investigation determined that PO S [REDACTED] pulling Mr. T [REDACTED] out of the vehicle by his arm and hoodie was reasonable as he needed to be removed from the vehicle and placed under physical control and observation for officer safety. It is recommended that **Allegation J** be **exonerated**.

**Allegation (K) Abuse of Authority: Police Officer A [REDACTED] G [REDACTED] frisked C [REDACTED] C [REDACTED]**

**Allegation (L) Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] frisked S [REDACTED] W [REDACTED]**

**Allegation (M) Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] searched S [REDACTED] W [REDACTED]**

**Allegation (N) Abuse of Authority: Police Officer Joseph Bautista frisked A [REDACTED] B [REDACTED]**

**Allegation (O) Abuse of Authority: Police Officer Joseph Bautista searched A [REDACTED] B [REDACTED]**

**Allegation (P) Abuse of Authority: Sergeant D [REDACTED] G [REDACTED] searched the vehicle in which**

minivan on the driver's side given that there was not enough space to open the door. Mr. T [REDACTED] could also not exit via the passenger door due to PO T [REDACTED] holding him. While PO T [REDACTED] said Mr. T [REDACTED] resisted being pulled out the driver's window by moving his body around, BWC did not support this characterization. Rather, it showed that PO T [REDACTED] initiated a grappling sequence in which he initially grabbed the back of Mr. T [REDACTED] head and neck before grabbing Mr. T [REDACTED] eye sockets and briefly gripping Mr. T [REDACTED] neck. Mr. T [REDACTED] reacted to PO T [REDACTED] grabbing at his head, neck, and eyes by pulling his arms towards himself. The BWC also showed that while this force was used, Mr. T [REDACTED] was calm, did not actively resist, and said he would cooperate with PO T [REDACTED] instructions to exit the vehicle, but was physically unable to do so. Furthermore, instead of instructing Mr. T [REDACTED] to exit from the passenger side, which would have been more expeditious, expecting Mr. T [REDACTED] to lay limp while being forcefully pulled out of the car window was an unreasonable instruction that could have resulted in Mr. T [REDACTED] sustaining serious injuries.

Given these factors, the investigation determined PO T [REDACTED] force against Mr. T [REDACTED] was unreasonable. It is therefore recommended that **Allegation H** be **substantiated**.

Per Patrol Guide Procedure 221-01 (BR 24), a chokehold is defined as "any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow." Per Patrol Guide Procedure 221-01, officers "shall not use a chokehold."

The BWC showed PO T [REDACTED] deliberately grabbed the front Mr. T [REDACTED] neck. Given that Mr. T [REDACTED] neck and head moved backwards after PO T [REDACTED] extended his left hand and arm toward Mr. T [REDACTED] the investigation determined with a preponderance of the evidence that PO T [REDACTED] applied pressure to Mr. T [REDACTED] throat. Thus, the investigation determined that PO T [REDACTED] used a chokehold against Mr. T [REDACTED] which is prohibited conduct. It is therefore recommended that **Allegation I** be **substantiated**.

**Allegation (J) Force: Police Officer N [REDACTED] S [REDACTED] used physical force against D [REDACTED] T [REDACTED]**

This allegation stems from PO S [REDACTED] BWC (**BR 09**). Between the 00:37 and 00:47 timestamps (subsequent to the timeframe described in **Allegations H and I**), PO S [REDACTED] pulls Mr. T [REDACTED] out of the vehicle through the open passenger door by grabbing Mr. T [REDACTED] right arm and hoodie.

In his CCRB interview (**BR 27**), PO S [REDACTED] said that he pulled Mr. T [REDACTED] out because he needed to be removed from the vehicle.

Per Patrol Guide Procedure 221-01 (BR 24), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The investigation determined that PO S [REDACTED] pulling Mr. T [REDACTED] out of the vehicle by his arm and hoodie was reasonable as he needed to be removed from the vehicle and placed under physical control and observation for officer safety. It is recommended that **Allegation J** be **exonerated**.

**Allegation (K) Abuse of Authority: Police Officer A [REDACTED] G [REDACTED] frisked C [REDACTED] C [REDACTED]**

**Allegation (L) Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] frisked S [REDACTED] W [REDACTED]**

**Allegation (M) Abuse of Authority: Police Officer K [REDACTED] A [REDACTED] searched S [REDACTED] W [REDACTED]**

**Allegation (N) Abuse of Authority: Police Officer J [REDACTED] B [REDACTED] frisked A [REDACTED] B [REDACTED]**

**Allegation (O) Abuse of Authority: Police Officer J [REDACTED] B [REDACTED] searched A [REDACTED] B [REDACTED]**

**Allegation (P) Abuse of Authority: Sergeant David Grieco searched the vehicle in which**

A [REDACTED] B [REDACTED] C [REDACTED] Q [REDACTED] D [REDACTED] T [REDACTED] and S [REDACTED] W [REDACTED] were occupants.

**Allegation (Q) Abuse of Authority: Sergeant D [REDACTED] G [REDACTED] searched C [REDACTED] C [REDACTED]**

In her CCRB interview (**BR 18**), Ms. C [REDACTED] said that, prior to the vehicle stop, Mr. T [REDACTED] in the driver's seat of the car and began to drive far above the speed limit, running red lights, and driving in a generally reckless way. For approximately two to three minutes, Mr. T [REDACTED] drove in this manner before police officers began to pursue in their vehicles and flash their lights. Ms. C [REDACTED] directed Mr. T [REDACTED] to pull over but he did not respond. Ms. C [REDACTED] considered taking control of the vehicle or jumping out the window but thought better of it. Ms. C [REDACTED] noticed that Mr. T [REDACTED] had brought marijuana into the vehicle; Ms. C [REDACTED] threw the marijuana out the window because she did not want herself or Mr. C [REDACTED] to get in trouble for its presence in the vehicle. Officers followed the vehicle for approximately five minutes and at no point did Mr. T [REDACTED] slow down or stop for the officers. Ms. C [REDACTED] said that, later while she was handcuffed, Sgt. G [REDACTED] looked through Ms. C [REDACTED]'s bag before returning it to Ms. C [REDACTED].

Per PO T [REDACTED]'s BWC (**BR 03**), at the 01:40 timestamp, all the officers inside his car say aloud that they see weed being dumped out of the car and tell the other cars in pursuit over the radio, "He's throwing out weed."

Per his BWC between the 02:00 and 02:20 timestamps (**BR 04**), PO G [REDACTED] apparently frisks Ms. C [REDACTED]'s torso.

In his CCRB interview (**BR 21**), PO G [REDACTED] said he frisked the exterior pockets of Ms. C [REDACTED] only for weapons.

Per PO Bautista's BWC between the 01:50 and 02:25 timestamps (**BR 07**), PO Bautista frisks Ms. B [REDACTED] and appears to look into her bag. It is unclear if PO Bautista searches Ms. B [REDACTED] in any way.

The officers were generally consistent with Ms. C [REDACTED] account of the vehicle's initial flight from them.

In his CCRB interview (**BR 22**), PO Bautista said he interacted with a woman who stepped out of the backseat, known to the investigation as A [REDACTED] B [REDACTED]. PO Bautista frisked and searched her pursuant to Chestnut – there was an odor of marijuana emanating from the vehicle (PO Bautista did not recall if it was of vegetative or burnt marijuana) and PO Bautista considered the radio transmission regarding marijuana being thrown from the vehicle in frisking and searching Ms. B [REDACTED] outer garments. PO Bautista also frisked and searched Ms. B [REDACTED] bag.

Per PO Bautista's BWC between the 01:50 and 02:20 timestamps (**BR 07**), PO A [REDACTED] frisks Mr. W [REDACTED] and searches through the pockets on Mr. Webster's hoodie and sweatpants.

In his CCRB interview (**BR 23**), PO A [REDACTED] said that he saw the driver throw a plastic bag out the window but did not know what specifically was inside the bag. PO A [REDACTED] did not independently recall whether he frisked or searched anyone. PO A [REDACTED] did not recall if smelled an odor of marijuana emanating from the vehicle. Upon reviewing PO Bautista's BWC, PO A [REDACTED] acknowledged that he frisked and searched Mr. W [REDACTED]. PO A [REDACTED] said that he conducted a frisk to make sure that Mr. W [REDACTED] did not have any weapons. PO A [REDACTED] said that he put his hands in Mr. Webster's pockets likely because he felt a hard object during the frisk that needed to be inspected. PO A [REDACTED] emphasized that his justifications for the frisk and search were based off his review of the video.

Per Sgt. G [REDACTED]'s BWC (**BR 08**), at the 05:20 timestamp, he directs PO Valcourt to unhandcuff Ms. C [REDACTED]. Sgt. G [REDACTED] then finds Ms. C [REDACTED]'s Louis Vuitton handbag in the front passenger seat of the minivan. Sgt. G [REDACTED] tells Ms. C [REDACTED] at the 05:38 timestamp, "Before I give you your stuff back, I've gotta turn it out." Ms. C [REDACTED] replies, "Okay, go ahead." Sgt. G [REDACTED] opens the bag and shines his flashlight within. Sgt. G [REDACTED] then hands the bag back to Ms. C [REDACTED]. Sgt. G [REDACTED] picks up a shiny Calvin Klein jacket and asks Ms. C [REDACTED] if it is hers. Ms. C [REDACTED] says that it is. Sgt. G [REDACTED] holds the jacket and apparently searches it before handing it back to Ms. C [REDACTED].

In his CCRB interview (**BR 41**), Sgt. G [REDACTED] said that he saw contraband (specifically bags and a leafy substance) thrown from the minivan while in pursuit. The occupants later admitted to

A [REDACTED] B [REDACTED] C [REDACTED] Q [REDACTED] D [REDACTED] T [REDACTED] and S [REDACTED] W [REDACTED] were occupants.

**Allegation (Q) Abuse of Authority: Sergeant David Grieco searched C [REDACTED] C [REDACTED]**

In her CCRB interview (**BR 18**), Ms. C [REDACTED] said that, prior to the vehicle stop, Mr. T [REDACTED] in the driver's seat of the car and began to drive far above the speed limit, running red lights, and driving in a generally reckless way. For approximately two to three minutes, Mr. T [REDACTED] drove in this manner before police officers began to pursue in their vehicles and flash their lights. Ms. C [REDACTED] directed Mr. T [REDACTED] to pull over but he did not respond. Ms. C [REDACTED] considered taking control of the vehicle or jumping out the window but thought better of it. Ms. C [REDACTED] noticed that Mr. T [REDACTED] had brought marijuana into the vehicle; Ms. C [REDACTED] threw the marijuana out the window because she did not want herself or Mr. C [REDACTED] to get in trouble for its presence in the vehicle. Officers followed the vehicle for approximately five minutes and at no point did Mr. T [REDACTED] slow down or stop for the officers. Ms. C [REDACTED] said that, later while she was handcuffed, Sgt. Grieco looked through Ms. C [REDACTED] bag before returning it to Ms. C [REDACTED].

Per PO T [REDACTED] BWC (**BR 03**), at the 01:40 timestamp, all the officers inside his car say aloud that they see weed being dumped out of the car and tell the other cars in pursuit over the radio, "He's throwing out weed."

Per his BWC between the 02:00 and 02:20 timestamps (**BR 04**), PO G [REDACTED] apparently frisks Ms. C [REDACTED] torso.

In his CCRB interview (**BR 21**), PO G [REDACTED] said he frisked the exterior pockets of Ms. C [REDACTED] only for weapons.

Per PO B [REDACTED] BWC between the 01:50 and 02:25 timestamps (**BR 07**), PO B [REDACTED] frisks Ms. B [REDACTED] and appears to look into her bag. It is unclear if PO B [REDACTED] searches Ms. B [REDACTED] in any way.

The officers were generally consistent with Ms. C [REDACTED] account of the vehicle's initial flight from them.

In his CCRB interview (**BR 22**), PO B [REDACTED] said he interacted with a woman who stepped out of the backseat, known to the investigation as A [REDACTED] B [REDACTED] PO B [REDACTED] frisked and searched her pursuant to Chestnut – there was an odor of marijuana emanating from the vehicle (PO B [REDACTED] did not recall if it was of vegetative or burnt marijuana) and PO B [REDACTED] considered the radio transmission regarding marijuana being thrown from the vehicle in frisking and searching Ms. B [REDACTED] outer garments. PO B [REDACTED] also frisked and searched Ms. B [REDACTED] bag.

Per PO B [REDACTED] BWC between the 01:50 and 02:20 timestamps (**BR 07**), PO A [REDACTED] frisks Mr. W [REDACTED] and searches through the pockets on Mr. W [REDACTED] hoodie and sweatpants.

In his CCRB interview (**BR 23**), PO A [REDACTED] said that he saw the driver throw a plastic bag out the window but did not know what specifically was inside the bag. PO A [REDACTED] did not independently recall whether he frisked or searched anyone. PO A [REDACTED] did not recall if smelled an odor of marijuana emanating from the vehicle. Upon reviewing PO B [REDACTED] BWC, PO A [REDACTED] acknowledged that he frisked and searched Mr. W [REDACTED] PO A [REDACTED] said that he conducted a frisk to make sure that Mr. W [REDACTED] did not have any weapons. PO A [REDACTED] said that he put his hands in Mr. W [REDACTED] pockets likely because he felt a hard object during the frisk that needed to be inspected. PO A [REDACTED] emphasized that his justifications for the frisk and search were based off his review of the video.

Per Sgt. Grieco's BWC (**BR 08**), at the 05:20 timestamp, he directs PO V [REDACTED] to unhandcuff Ms. C [REDACTED] Sgt. Grieco then finds Ms. C [REDACTED] Louis Vuitton handbag in the front passenger seat of the minivan. Sgt. Grieco tells Ms. C [REDACTED] at the 05:38 timestamp, "Before I give you your stuff back, I've gotta turn it out." Ms. C [REDACTED] replies, "Okay, go ahead." Sgt. Grieco opens the bag and shines his flashlight within. Sgt. Grieco then hands the bag back to Ms. C [REDACTED] Sgt. Grieco picks up a shiny Calvin Klein jacket and asks Ms. C [REDACTED] if it is hers. Ms. C [REDACTED] says that it is. Sgt. Grieco holds the jacket and apparently searches it before handing it back to Ms. C [REDACTED].

In his CCRB interview (**BR 41**), Sgt. Grieco said that he saw contraband (specifically bags and a leafy substance) thrown from the minivan while in pursuit. The occupants later admitted to

Sgt. G [REDACTED] that they had thrown marijuana out the window of the car. Sgt. G [REDACTED] said that he had probable cause to arrest everyone given the car chase and the discarded marijuana. After he approached the car and all the occupants had been removed, Sgt. G [REDACTED] detected an odor of burnt marijuana emanating from the interior of the vehicle. Sgt. G [REDACTED]'s ability to detect the odor of marijuana comes from training at the academy and the many (Sgt. G [REDACTED] used the word "zillions") of marijuana-related arrests and situations that he has experienced in his 16-year NYPD career. Ultimately, Sgt. G [REDACTED] decided to let all the vehicle's occupants free except Mr. T [REDACTED] because all the contraband had already been discarded from the windows and Sgt. G [REDACTED] could not determine with any certainty who had thrown the contraband out the windows, Sgt. G [REDACTED] thought it most prudent to let the passengers go. Sgt. G [REDACTED] said that he did not search the car other than to remove a couple items on behalf of one of the female occupants, known to the investigation as C [REDACTED] C [REDACTED]. Sgt. G [REDACTED] had to remove these items because Ms. C [REDACTED] wanted her belongings and the car had to be taken back to the stationhouse. Sgt. G [REDACTED] searched the jacket and bag of Ms. C [REDACTED] before returning those items to her – Ms. C [REDACTED] gave Sgt. G [REDACTED] permission to do so.

Per PO A [REDACTED] BWC (**BR 06**), at the 03:05 timestamp, Ms. B [REDACTED] tells PO Bautista that Ms. C [REDACTED] got scared during the car chase and threw marijuana out the window.

Per *People v. Forbes*, 183 Misc. 2d 613 (**BR 43**), it is unreasonable to deny a police officer the right to neutralize the threat of physical harm when he possesses an articulable reasonable suspicion that an individual whom he is investigating at close range is armed and presently dangerous.

As noted above in the analysis and conclusion for **Allegations A-F**, officers possessed articulable reasonable suspicion to believe that the occupants of the vehicle were armed: the minivan had fled officers for multiple minutes at a high rate of speed, leading officers to believe that the occupants were armed. It is recommended that **Allegations K, L, and N** be **exonerated**.

Per *People v. Chestnut*, 36 N.Y.2d 971 (**BR 28**), the odor of marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle and its occupants.

Per Patrol Guide Procedure 212-11 (**BR 44**), where a frisk reveals an object that an officer reasonably suspects to be a weapon, the officer may search only those interior portions of the stopped person's clothing to remove the weapon.

Absent additional corroboration that there was an odor of burnt marijuana in the vehicle, the investigation was unable to credit Sgt. G [REDACTED]'s and PO Bautista's statement that an odor of burnt marijuana existed inside the vehicle. Neither PO A [REDACTED] nor PO Bautista articulated a reasonable belief that their frisks of Mr. W [REDACTED] and Ms. B [REDACTED] revealed an item that could be a weapon. As such, it is recommended that **Allegations M and O** be **unsubstantiated**.

Similarly, as the investigation could not corroborate or refute the alleged smell of marijuana in the vehicle, it could not be determined by a preponderance of the evidence whether Sgt. G [REDACTED] had probable cause to search Ms. C [REDACTED]'s jacket and bag, which were inside the vehicle. Therefore, it is recommended that **Allegations P and Q** be **unsubstantiated**.

**Allegation (R) Other Possible Misconduct Noted: Police Officer K [REDACTED] A [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

PO A [REDACTED] did not activate his BWC until several minutes into this incident, after he pointed his gun, frisked Mr. W [REDACTED] and searched Mr. W [REDACTED] (**BR 06**).

In his CCRB interview (**BR 23**), PO A [REDACTED] did not recall if or when he activated his BWC during this incident.

Per Patrol Guide Procedure 212-123 (**BR 29**), officers are to activate their BWC prior to engaging in or assisting other officers in car stops.

PO A [REDACTED] did not activate his BWC prior to engaging in this car stop. It is recommended that **Allegation R** be closed as **Other Possible Misconduct Noted**.

**Civilian and Officer CCRB Histories**

Sgt. Grieco that they had thrown marijuana out the window of the car. Sgt. Grieco said that he had probable cause to arrest everyone given the car chase and the discarded marijuana. After he approached the car and all the occupants had been removed, Sgt. Grieco detected an odor of burnt marijuana emanating from the interior of the vehicle. Sgt. Grieco's ability to detect the odor of marijuana comes from training at the academy and the many (Sgt. Grieco used the word "zillions") of marijuana-related arrests and situations that he has experienced in his 16-year NYPD career. Ultimately, Sgt. Grieco decided to let all the vehicle's occupants free except Mr. T [REDACTED] because all the contraband had already been discarded from the windows and Sgt. Grieco could not determine with any certainty who had thrown the contraband out the windows, Sgt. Grieco thought it most prudent to let the passengers go. Sgt. Grieco said that he did not search the car other than to remove a couple items on behalf of one of the female occupants, known to the investigation as C [REDACTED] Q [REDACTED]. Sgt. Grieco had to remove these items because Ms. C [REDACTED] wanted her belongings and the car had to be taken back to the stationhouse. Sgt. Grieco searched the jacket and bag of Ms. C [REDACTED] before returning those items to her – Ms. C [REDACTED] gave Sgt. Grieco permission to do so.

Per PO A [REDACTED] BWC (**BR 06**), at the 03:05 timestamp, Ms. B [REDACTED] tells PO B [REDACTED] that Ms. C [REDACTED] got scared during the car chase and threw marijuana out the window.

Per *People v. Forbes*, 183 Misc. 2d 613 (**BR 43**), it is unreasonable to deny a police officer the right to neutralize the threat of physical harm when he possesses an articulable reasonable suspicion that an individual whom he is investigating at close range is armed and presently dangerous.

As noted above in the analysis and conclusion for **Allegations A-F**, officers possessed articulable reasonable suspicion to believe that the occupants of the vehicle were armed: the minivan had fled officers for multiple minutes at a high rate of speed, leading officers to believe that the occupants were armed. It is recommended that **Allegations K, L, and N** be **exonerated**.

Per *People v. Chestnut*, 36 N.Y.2d 971 (**BR 28**), the odor of marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle and its occupants.

Per Patrol Guide Procedure 212-11 (**BR 44**), where a frisk reveals an object that an officer reasonably suspects to be a weapon, the officer may search only those interior portions of the stopped person's clothing to remove the weapon.

Absent additional corroboration that there was an odor of burnt marijuana in the vehicle, the investigation was unable to credit Sgt. Grieco's and PO B [REDACTED] statement that an odor of burnt marijuana existed inside the vehicle. Neither PO A [REDACTED] nor PO B [REDACTED] articulated a reasonable belief that their frisks of Mr. W [REDACTED] and Ms. B [REDACTED] revealed an item that could be a weapon. As such, it is recommended that **Allegations M and O** be **unsubstantiated**.

Similarly, as the investigation could not corroborate or refute the alleged smell of marijuana in the vehicle, it could not be determined by a preponderance of the evidence whether Sgt. Grieco had probable cause to search Ms. C [REDACTED] jacket and bag, which were inside the vehicle. Therefore, it is recommended that **Allegations P and Q** be **unsubstantiated**.

**Allegation (R) Other Possible Misconduct Noted: Police Officer K [REDACTED] A [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

PO A [REDACTED] did not activate his BWC until several minutes into this incident, after he pointed his gun, frisked Mr. W [REDACTED] and searched Mr. W [REDACTED] (**BR 06**).

In his CCRB interview (**BR 23**), PO A [REDACTED] did not recall if or when he activated his BWC during this incident.

Per Patrol Guide Procedure 212-123 (**BR 29**), officers are to activate their BWC prior to engaging in or assisting other officers in car stops.

PO A [REDACTED] did not activate his BWC prior to engaging in this car stop. It is recommended that **Allegation R** be closed as **Other Possible Misconduct Noted**.

**Civilian and Officer CCRB Histories**

- Mr. C █ has been party to three CCRB complaints and has been named as a victim in 10 allegations (**BR 30**).
  - 200816585 involved an exonerated allegation of courtesy: word.
  - 201901335 involved allegations of a frisk, search (of person) and two allegations of a vehicle search. All allegations were exonerated.
  - 202007790 involved allegations of gun pointed, three allegations of physical force, and of the use of a nonlethal restraining device. All allegations were closed – pending litigation.
- Ms. C █ has been party to two CCRB complaints and has been named as a victim in one allegation (**BR 31**).
  - Ms. C █ was a witness regarding 200816585.
  - 202007790 involved an allegation of gun pointed, which was closed – pending litigation.
- This is the first complaint to which Mr. W █ is a party (**BR 32**).
- This is the first complaint to which Ms. B █ is a party (**BR 33**).
- This is the first complaint to which Mr. T █ is a party (**BR 34**).
- PO A █ has been a member of service for eight years and has been a subject in seven CCRB complaints and nine allegations, two of which were cited.
  - 201806973 involved a citation for failure to prepare a memo book entry.
  - 201808715 involved a citation for failure to prepare a memo book entry.
  - PO A █ CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Bautista has been a member of service for eight years and has been a subject in eight CCRB complaints and 25 allegations, none of which were substantiated. PO Bautista's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO G █ has been a member of service for eight years and has been subject in two CCRB complaints and two allegations, neither of which were substantiated. PO Gaglione's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Sgt. G █ has been a member of service for 16 years and has been subject in 43 CCRB complaints and 120 allegations, 15 of which have been substantiated.
  - 201111996 involved a substantiated allegation of premises entered and/or searched and a citation for a failure to prepare a memo book entry. The Board recommended Command Discipline and the NYPD imposed instructions.
  - 201207718 involved a substantiated allegation of a stop. The Board recommended charges and at trial Sgt. G █ was ordered to forfeit a vacation day.
  - 201405351 involved a substantiated allegation of premises entered and/or searched. The Board recommended charges and Sgt. G █ was found not guilty at trial.
  - 201800398 involved substantiated allegations of a search (of person), threat of summons, vehicle search, and vehicle stop. The Board recommended charges and Sgt. G █ was found guilty at trial. Sgt. G █ forfeited ten vacation days in regard.
  - 201901422 involved a substantiated allegation of threat of force (verbal or physical). The Board recommended formalized training and the NYPD imposed instructions.
  - 201903162 involved four substantiated allegations of abuse of authority – other regarding the supervision of arrests. The Board recommended and the NYPD imposed formalized training.
  - 201908868 involved substantiated allegations of an entry of premises and search of premises. The Board recommended charges and the results of the APU trial are pending.
  - Sgt. G █ CCRB history does not reflect any apparent pattern pertinent to this investigation.

- Mr. C [REDACTED] has been party to three CCRB complaints and has been named as a victim in 10 allegations (**BR 30**).
  - 200816585 involved an exonerated allegation of courtesy: word.
  - 201901335 involved allegations of a frisk, search (of person) and two allegations of a vehicle search. All allegations were exonerated.
  - 202007790 involved allegations of gun pointed, three allegations of physical force, and of the use of a nonlethal restraining device. All allegations were closed – pending litigation.
- Ms. C [REDACTED] has been party to two CCRB complaints and has been named as a victim in one allegation (**BR 31**).
  - Ms. C [REDACTED] was a witness regarding 200816585.
  - 202007790 involved an allegation of gun pointed, which was closed – pending litigation.
- This is the first complaint to which Mr. W [REDACTED] is a party (**BR 32**).
- This is the first complaint to which Ms. B [REDACTED] is a party (**BR 33**).
- This is the first complaint to which Mr. T [REDACTED] is a party (**BR 34**).
- PO A [REDACTED] has been a member of service for eight years and has been a subject in seven CCRB complaints and nine allegations, two of which were cited.
  - 201806973 involved a citation for failure to prepare a memo book entry.
  - 201808715 involved a citation for failure to prepare a memo book entry.
  - PO A [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO B [REDACTED] has been a member of service for eight years and has been a subject in eight CCRB complaints and 25 allegations, none of which were substantiated. PO B [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO G [REDACTED] has been a member of service for eight years and has been subject in two CCRB complaints and two allegations, neither of which were substantiated. PO G [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Sgt. Grieco has been a member of service for 16 years and has been subject in 43 CCRB complaints and 120 allegations, 15 of which have been substantiated.
  - 201111996 involved a substantiated allegation of premises entered and/or searched and a citation for a failure to prepare a memo book entry. The Board recommended Command Discipline and the NYPD imposed instructions.
  - 201207718 involved a substantiated allegation of a stop. The Board recommended charges and at trial Sgt. Grieco was ordered to forfeit a vacation day.
  - 201405351 involved a substantiated allegation of premises entered and/or searched. The Board recommended charges and Sgt. Grieco was found not guilty at trial.
  - 201800398 involved substantiated allegations of a search (of person), threat of summons, vehicle search, and vehicle stop. The Board recommended charges and Sgt. Grieco was found guilty at trial. Sgt. Grieco forfeited ten vacation days in regard.
  - 201901422 involved a substantiated allegation of threat of force (verbal or physical). The Board recommended formalized training and the NYPD imposed instructions.
  - 201903162 involved four substantiated allegations of abuse of authority – other regarding the supervision of arrests. The Board recommended and the NYPD imposed formalized training.
  - 201908868 involved substantiated allegations of an entry of premises and search of premises. The Board recommended charges and the results of the APU trial are pending.
  - Sgt. Grieco's CCRB history does not reflect any apparent pattern pertinent to this investigation.

- PO S [REDACTED] has been a member of service for seven years and has subject in seven CCRB cases and 15 allegations, two of which were substantiated.
  - 201903016 involved substantiated allegations of entry of premises and threat of force (verbal or physical). The Board recommended formalized training and the imposed penalty remains pending.
  - PO S [REDACTED]'s CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO T [REDACTED] has been a member of service for seven years and has subject in 15 cases and 43 allegations, four of which were substantiated.
  - 201710160 involved a substantiated allegation of a vehicle search. The Board recommended Command Discipline B and the NYPD imposed formalized training.
  - 201805712 involved substantiated allegations of physical force, courtesy – action, and courtesy – word. The Board recommended Command Discipline B and the NYPD imposed no penalty.
  - PO T [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of May 25, 2021, the New York City Office of the Comptroller had no record of any Notices of Claim being filed regarding this incident (**BR 35**).
- Per the Office of Court Administration (OCA), Ms. B [REDACTED] has no history of criminal convictions in New York City (**BR 36**).
- Per the OCA, Ms. C [REDACTED] has no history of criminal convictions in New York City (**BR 37**).
- Per the OCA, between August 11, 2011 and January 21, 2022, Mr. C [REDACTED] has been convicted of robbery in the second degree, criminal possession of stolen property in the fifth degree, a violation of Public Health Law 22, criminal possession of stolen property in the third degree, and robbery in the third degree (**BR 38**). Mr. C [REDACTED] received four imprisonment sentences between four and 42 months, was served three final orders of protection, assessed a \$25 fine, and ordered to undergo five years of post-release parole supervision. OCA does not list any other convictions.
- Per the OCA, between July 29, 2013 and January 21, 2022, Mr. T [REDACTED] has been convicted of disorderly conduct three times, grand larceny in the fourth degree, trespassing, burglary in the third degree, speeding, and driving under the influence of alcohol (**BR 39**). Mr. T [REDACTED] received a single imprisonment sentence of time served, was conditionally discharged three times, was ordered to do five days of community service, had his license suspended for 90 days, and the courts prepared a drinking driver referral regarding him. OCA does not list any other convictions.
- Per the OCA, Mr. W [REDACTED] has no history of criminal convictions in New York City (**BR 40**).

Squad: 10

Investigator: Ethan C. Waterman Inv. Ethan Waterman 02/16/2022  
 Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
 Signature Print Title & Name Date

**CCRB Case # 202006753**

- PO S [REDACTED] has been a member of service for seven years and has subject in seven CCRB cases and 15 allegations, two of which were substantiated.
  - 201903016 involved substantiated allegations of entry of premises and threat of force (verbal or physical). The Board recommended formalized training and the imposed penalty remains pending.
  - PO S [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO T [REDACTED] has been a member of service for seven years and has subject in 15 cases and 43 allegations, four of which were substantiated.
  - 201710160 involved a substantiated allegation of a vehicle search. The Board recommended Command Discipline B and the NYPD imposed formalized training.
  - 201805712 involved substantiated allegations of physical force, courtesy – action, and courtesy – word. The Board recommended Command Discipline B and the NYPD imposed no penalty.
  - PO T [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.

#### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 25, 2021, the New York City Office of the Comptroller had no record of any Notices of Claim being filed regarding this incident (**BR 35**).
- Per the Office of Court Administration (OCA), Ms. B [REDACTED] has no history of criminal convictions in New York City (**BR 36**).
- Per the OCA, Ms. C [REDACTED] has no history of criminal convictions in New York City (**BR 37**).
- Per the OCA, between August 11, 2011 and January 21, 2022, Mr. C [REDACTED] has been convicted of robbery in the second degree, criminal possession of stolen property in the fifth degree, a violation of Public Health Law 22, criminal possession of stolen property in the third degree, and robbery in the third degree (**BR 38**). Mr. C [REDACTED] received four imprisonment sentences between four and 42 months, was served three final orders of protection, assessed a \$25 fine, and ordered to undergo five years of post-release parole supervision. OCA does not list any other convictions.
- Per the OCA, between July 29, 2013 and January 21, 2022, Mr. T [REDACTED] has been convicted of disorderly conduct three times, grand larceny in the fourth degree, trespassing, burglary in the third degree, speeding, and driving under the influence of alcohol (**BR 39**). Mr. T [REDACTED] received a single imprisonment sentence of time served, was conditionally discharged three times, was ordered to do five days of community service, had his license suspended for 90 days, and the courts prepared a drinking driver referral regarding him. OCA does not list any other convictions.
- Per the OCA, Mr. W [REDACTED] has no history of criminal convictions in New York City (**BR 40**).

Squad: 10

Investigator: Ethan C. Waterman Inv. Ethan Waterman 02/16/2022  
 Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
 Signature Print Title & Name Date

**CCRB Case # 202006753**

Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date

**CCRB Case # 202006753**

CCRB CTS – Confidential

Page 10

Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date

**CCRB Case # 202006753**

CCRB CTS – Confidential

Page 10